

December 27, 1956

NEW HAMPSHIRE LAW LIBRARY

SEP 22 1998

CONCORD, N.H.

Mr. Harry E. Jackson
Deputy Secretary of State
Concord, New Hampshire

Dear Sir:

You advise that there has been presented to you for registration as a trade name under the provisions of RSA 349 the name "New Hampshire Legislative Register"; and you ask the opinion of this office whether there is any legal bar to your accepting such registration. We answer in the affirmative.

RSA 349:1 requires that a person doing business under a name other than his own register such name in your office upon a certificate setting forth certain specified information. The same section directs you to decline to register:

"... any trade name similar or likely to be confused with or mistaken for any trade name title or identification of any existing validly registered person, proprietorship, firm, partnership, corporation or association unless such existing person, proprietorship, firm, partnership, corporation or association assents in writing to the adoption of such similar name."

It is probable that the enumeration of reasons upon which a refusal to accept for registration might be predicated is not all-inclusive. Thus, public policy would furnish sufficient basis for refusal to accept a trade name containing wicked, indecent, scandalous or blasphemous words or expressions.

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So also public policy might well be a proper ground for refusal to register a trade name so nearly similar to the name of an official body as to be likely to be mistaken for it, or so suggestive of official character as to imply official authorization.

When relying upon reasons of public policy, however, the specific grounds should be so clear that reasonable men could not differ as to the validity of the objection.

We understand that your present inquiry relates to the possibility that the name as proposed may fall into the second class noted above, that is, objectionable as too nearly similar to the name of a governmental body or as implying official connection.

Our position in this regard results largely from the use of the word "register" in the context of the remainder of the words in the proposed trade name. The word "register" is generally held to imply an official record. See Ball. Law Dict., 1105 (1948 Edition); Webs. New Dict. Sec. Unab. 2097, 36 W and P 648.

It seems, thus, that an official connection with the legislature is clearly implied. In such circumstances you may properly refuse to register as a trade name the name proposed.

Very truly yours,

Warren E. Waters
Deputy Attorney General

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